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December 11, 2017

VIA, ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re: • Docket 2017-332-E
 • **Motion to Amend**

Dear Ms. Boyd:

Enclosed for filing, in the above-referenced matter, please find the Motion to Amend, Docket Cover Sheet and Certificate of Service. Please notify the undersigned if you there is anything else you may need.

Respectfully Submitted,

/s/ _____
Richard L. Whitt

RLW/cas

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-332-E**

IN RE:)	
Southern Current LLC; Cypress Creek)	
Renewables, LLC; and Birdseye Renewable)	
Energy, LLC,)	
)	
)	
Complainants/Petitioners,)	MOTION TO AMEND
)	
v.)	
)	
Duke Energy Carolinas, LLC and)	
Duke Energy Progress, LLC,)	
)	
Defendants/Respondents.)	
)	

INTRODUCTION

This matter is currently pending before this Commission, having been filed on October 27, 2017. The above-referenced Complainants/Petitioners, hereby Motion this Commission for permission to amend their Petition/Complaint, with the Public Service Commission of South Carolina ("Commission"), pursuant to S.C. Code Ann., Regs. 103-828, (2012), and other applicable Rules and Regulations.

MOTION TO AMEND

1. As stated, this matter is currently pending before this Commission, but Defendants/Respondents, Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (hereinafter sometimes referred together as, "Duke"), have not answered the Petition/Complaint, with Defendants/Respondents answer being currently due December 15, 2017.

2. This Motion for amendment relates back to the date of filing of the Petition/Complaint on October 27, 2017.

3. Complainants/Petitioners seek to amend their Petition/Complaint, based on the following. In their original Petition, Complainants/Petitioners asked this Commission to prevent Defendants/Respondents from applying proposed new study guidelines retroactively, to projects currently in their interconnection queue. Complainants/Petitioners filed their Petition on short notice, due to the November 1, 2017 implementation date for the study guidelines announced by Duke.

4. In addition, by way of a *Motion to Maintain Status Quo as of October 27, 2017* (filed on November 3, 2017), Complainants/Petitioners asked this Commission to prevent Defendants/Respondents from taking action during the pendency of this proceeding to remove Complainants/Petitioners' solar projects from Defendants/Respondents' interconnection queues based on the proposed new study guidelines. The Defendants/Respondents filed a Response to that Motion and the South Carolina Office of Regulatory Staff's Counsel filed a Response, which on the issue of retroactively, reads as follows, "...ORS is in agreement with the Complainants that Duke Energy Carolinas, LLC and Duke Energy Progress, LLC should grandfather in all currently pending solar projects and apply any new study guidelines prospectively." This *Motion* is not intended to delay, change or modify the relief sought in Complainants/ Petitioners' *Motion to Maintain Status Quo*, and the Responses thereto, in any way.

5. On November 17, 2017, this Commission issued a Notice of Hearing and a procedural schedule indicating that it would treat the Petition as a Complaint against Defendants/Respondents. In light of that action, Complainants/Petitioners seek leave by this motion to file an actual Complaint that sets forth in detail its full complaint against Defendants/Respondents. Complainants/Petitioners' amended complaint will address not only the issue of retroactivity (which is already pending before this Commission and ripe for a decision by this Commission), but also a broader set of issues including the legality, technical validity, fairness, advisability, and method of implementation of Defendants/Respondents' new study guidelines. Further, the Complainants/Petitioners move to amend and add a new party(s).

6. In Complainants/Petitioners' amended complaint, Complainants/Petitioners will explain their arguments and allegations to this Commission that Defendants/Respondents proposed new study guidelines would unfairly and adversely affect solar development in South Carolina. Furthermore, Complainants/Petitioners will provide elaboration in the amended complaint, as to Complainants/Petitioners' arguments as to issues including but not limited to: (i) Duke's plan to institute the new study Guidelines without ORS or stakeholder involvement, and with little notice to ORS and the stakeholders; (ii) Duke's failure to provide any study, evidence of reliability issues with interconnected solar generation, or other technical justification to support the proposed New Study Guidelines; (iii) the severe economic impact of the New Study Guidelines on solar projects currently pending in Defendants/Respondents' interconnection queues, many of which have incurred tremendous "sunk" costs to date; (iv) an inability of

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December 11, 2017
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Duke's representatives to articulate *any* need to implement the proposed new Study Guidelines on short notice and (v) a failure of Duke's representatives to point to evidence of reliability issues with interconnected solar generation to support the proposed new "screens".

7. Duke's Response to Complainants/Petitioners new filing may become due during the Holidays. If so, and in the interest of fairness, Complainants/Petitioners respectfully request that Duke receive additional time to answer Complainants/Petitioners' filing.

8. With this Motion to Amend, the requirement that Duke's previously scheduled Answer be filed on December 15, 2017, should be removed.

9. No Discovery is pending in this matter.

10. Counsel for ORS have indicated that they do not oppose this amendment.

11. Counsel for Duke have indicated that they do not oppose this amendment.

CONCLUSION

Based on the foregoing and the lack of opposition of other parties in this Docket, this Commission should (i) issue its Order granting the Complainants/Petitioners the right to amend their currently pending Petition/Complaint as stated and to add a party(s) (ii) leave Complainants/Petitioners' Motion to Maintain Status Quo, in place for a Commission decision (iii) grant Duke extra time to respond to the amended filing, if affected by the Holidays (iv) remove the requirement that Duke answer the previously filed pleading, by or on, December 15, 2017 and (v) for such other and further relief as this Commission deems just and appropriate.

WHEREFORE, the Complainants/Petitioners, based on the foregoing, move for permission to amend its currently pending pleading, as requested.

[Signature Page Follows]

This 11th day of December, 2017.

Respectfully Submitted,

/s/

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December 11, 2017
Columbia, South Carolina

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-332-E**

IN RE:)
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Energy, LLC,)
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Petitioners,)
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v.)
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Duke Energy Carolinas, LLC and)
Duke Energy Progress, LLC,)
)
Respondents.)
)
)

CERTIFICATE OF SERVICE

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have served the Motion to Amend and this Certificate of Service, via electronic mail on December 11, 2017, as indicated below.

Heather Shirley Smith

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/s/ _____
Carrie A. Schurg

December 11, 2017
Columbia, South Carolina